



**Sherman Nyongesa & Mutubia Advocates v Amsu Communication  
Limited (Environment and Land Miscellaneous Application  
E29 of 2022) [2023] KEELC 16549 (KLR) (23 March 2023) (Ruling)**

Neutral citation: [2023] KEELC 16549 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MOMBASA  
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E29 OF 2022  
NA MATHEKA, J  
MARCH 23, 2023**

**BETWEEN**

**SHERMAN NYONGESA & MUTUBIA ADVOCATES ..... APPLICANT**

**AND**

**AMSU COMMUNICATION LIMITED ..... RESPONDENT**

**RULING**

- 1 The application is dated November 2, 2022 and is brought under Sections IA and 1B of the [Civil Procedure Act](#) Cap 21 of The Laws of Kenya and Order 51 Rules 1 of the [Civil Procedure Rules](#), Section 51(2) of the [Advocates Act](#) Cap 16 seeking the following orders;
  1. That this Honourable Court be pleased to issue an order for entry of Judgment in favour of the Applicant Sherman Nyongesa & Mutubia Advocates against the Respondent East Africa Institute of Certified Studies in the sum of Kshs 96,692.32/= on the basis of the Certificate of Costs dated September 8, 2022 together with interest at the Court rate from September 8, 2022 until payment in full.
  2. That this Honourable Court be pleased to adopt and endorse the Certificate of Costs dated September 8, 2022 as a Decree of the Court for purposes of execution.
  3. That the costs of this application be provided for.
- 2 It is supported by the annexed Affidavit of sworn by Valerie Takah, Advocate and is based on the following grounds that pursuant to a letter of offer by the Respondent's landlord, the Applicant prepared and lodged for registration a Lease document in favour of the Respondent sometimes in February 25, 2019 to which services were rendered and remain undisputed. That the Respondent failed, refused and/or reneged to fulfill its part of the obligation to pay of a sum of Kshs 96,692.32 being the legal costs for the preparation and registration of the lease document. That the Applicant



was prompted to file a Bill of Costs dated March 2, 2022 which bill was taxed on the August 17, 2022 at Kshs 96,692.32. That subsequent to the delivery of the Ruling on the Bill of Costs, a Certificate of Cost was issued on the September 8, 2022 for Kshs 96,692.32. That no reference has been filed against the Taxation.

3 This court has considered the application and the supporting affidavit. The same was served but the Respondent failed to attend court or file any response. I find the same is unopposed. I find the application is merited and I grant it as prayed.

4 It is so ordered.

**DELIVERED, DATED AND SIGNED AT MOMBASA THIS 23<sup>RD</sup> DAY OF MARCH 2023.**

**N.A. MATHEKA**

**JUDGE**

